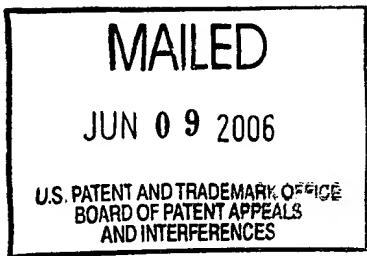


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEFFREY P. BEZOS,
GUS LOPEZ and JOEL R. SPIEGEL

Application 09/437,815

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on June 1, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

An examination of the Image File Wrapper (IFW) reveals that appellants filed an Appeal Brief on October 13, 2005. In response, an Examiner's Answer was mailed on December 29, 2005.

Section § 1207.02 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 3, August 2005) states:

Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

....

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

It is noted that while the Examiner's Answer states that “[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal” [page 3 under the caption “Evidence Relied Upon”], the claim rejections are listed as follows:

1. Claims 1-5, 45-50, 55, 75-81, 87-89, 91-99, 101 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Roth (US6285987) [page 3];
2. Claims 7, 8, 31-35, 41-43, 51, 52, 82-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al in view of Copple et al (US6178408) [page 6];
3. Claims 9, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al and Copple et al in view of Goldhaber et al (US5794210) [page 7];
4. Claims 44, 90, 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al and Copple et al in view of Bates et al (US6339438) [page 8];
5. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al and Copple et al in view of Tulskie, Jr et al (US6249768) [page 8];
6. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al and Copple et al in view of Eldering (US6324519) [page 8];
7. Claims 1-5, 45-50, 55, 75-81, 87-89, 91-99, 101 are alternatively rejected under 35 U.S.C. [103(a)] as obvious over Roth (US6285987) as above and further in view of Davis et al (US6269361) [page 9];
8. Claims 7, 8, 31-35, 41-43, 51, 52, 82-86 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al and Davis et al, further in view of Copple et al (US6178408) [page 13];
9. Claims 9, 53 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al and Davis et al, further in view of and [sic] Copple et al and Goldhaber et al (US5794210) [page 14];

10. Claims 44, 90, 100 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al and Davis et al, further in view of and [sic] Copple et al and Bates et al (US6339438) [page 14];

11. Claim 36 is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al and Davis et al, further in view of Copple et al and Tulskie, Jr et al (US6249768) [page 15]; and

12. Claim 54 is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al and Davis et al, further in view of Copple et al and Eldering (US6324519) [page 15].

Correction is required.

In addition, the Appeal Brief filed October 13, 2005 does not comply with § 1205.02(viii) (Eighth Edition, Rev. 3, August 2005), which states:

The copy of the claims should be a clean copy and should not include any markings such as brackets or underlining. . . .

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for submission of a revised Examiner's Answer which corrects the "Evidence Relied Upon" section;
- 2) for notification to appellants to submit a new Appendix to the Appeal Brief filed October 13, 2005 which includes a clean copy of claims 45 and 91, or for the examiner to include a corrected copy of the above-noted claims in the revised Examiner's Answer; and

3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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